

Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

733F
22000000

DEPARTMENT OF AGRICULTURE

NOV 4 1946

WFO 51

AMDT. 4
OCT. 16, 1946

[WFO 51, Amdt. 4]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

MANUFACTURE, DELIVERY, AND USE OF EDIBLE MOLASSES

War Food Order No. 51, as amended (8 F. R. 5430, 12731), is further amended to read as follows:

§ 1490.5 *Restrictions on the manufacture, delivery, and use of edible molasses*—(a) *Definitions*. (1) "Edible molasses" means any molasses, syrup, sugar solution, or saccharine liquid derived from sugarcane or sugar beets, other than sugar as herein defined, which is capable of use for human consumption, excluding final beet molasses and blackstrap except where the edible use of such products is specifically authorized by the Administrator.

(2) "Sugar" means:

(i) Any grade or type of saccharine product derived from sugarcane or sugar beets, which is principally of crystalline structure and which contains sucrose, dextrose or levulose; or

(ii) Liquid sugar as herein defined.

(3) "Liquid sugar" means:

(i) Any sirup of cane juice, produced from sugarcane grown in the continental United States, which contains less soluble nonsugar solids (exclusive of any foreign substances that may have been added or developed in the product) than 4.5 percent of the total soluble solids; or

(ii) Any other grade or type of saccharine product derived from sugarcane or sugar beets, which is principally of non-crystalline structure and which contains less soluble nonsugar solids (exclusive of any foreign substances that may have been added or developed in the product) than 6 percent of the total soluble solids; or

(iii) Any grade or type of saccharine product derived from sugarcane or sugar beets, which is principally of non-crystalline structure and regardless of the percentage amount of nonsugar solids, contains soluble nonsugar solids (exclusive of any foreign substances that may have been added or developed in the product) consisting of less than 20 percent sulphated ash, excluding, however, any liquid saccharine product which, irrespective of the ash content, contains nonsugar solids equal to 6 percent or more of the total soluble solids, and which results from reprocessing final beet molasses or blackstrap molasses or which is obtained as a by-product in connection with the production of sugar in accordance with the provisions of paragraph (b) (4) of this order.

(4) "Producer" means any person who produces over 1000 gallons of edible molasses during any marketing year.

(5) "Blend" or "process" means:

(i) To package edible molasses in containers of one gallon or less, or

(ii) To mix or treat one or more types of edible molasses in such a manner that the color, taste, or density of the finished

product differs materially from the color, taste, or density of the original material or its principal ingredient. *Provided, however*, That a mere reduction in density shall not constitute processing.

(6) "Blender" means any person engaged in the business of blending or processing edible molasses.

(7) "Distributor" means any person who is engaged in the business of buying and selling unblended or unprocessed edible molasses.

(8) "Food manufacturer" means any person, other than a blender, who, during any marketing year, uses over 100 gallons of unblended or unprocessed edible molasses in the manufacture of edible products for human consumption.

(9) "Marketing year" means the period from October 1 to September 30, both inclusive.

(10) "Yearly quota" means a quantity of edible molasses equal to 110 percent of the total quantity of edible molasses blended or processed by a blender or used by a food manufacturer during the base period.

(11) "Quarterly quota" means a quantity of edible molasses equal to 110 percent of the total quantity of edible molasses blended or processed by a blender or used by a food manufacturer during the corresponding calendar quarter of the base period.

(12) "Base period" means the period from July 1, 1940, to June 30, 1941, both inclusive.

(13) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(14) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, or any employee of the United States Department of Agriculture to whom the Administrator has delegated, or may hereafter delegate, any or all of the authority vested in him by this order.

(b) *Production of edible molasses*. (1) Except as otherwise specifically authorized by the Administrator or as hereinafter provided, no producer shall, during any marketing year, produce edible molasses (other than blackstrap and final beet molasses) in any quantity in excess of the average quantity per marketing year produced by him in any three marketing years during the period October 1, 1941, to September 30, 1946.

(2) No producer shall produce edible molasses unless, on or before November 1, 1946, he mails a report to the Administrator showing his total production of each type of edible molasses during each marketing year in the period from October 1, 1941, to September 30, 1946, both inclusive.

(3) Any producer may, during any marketing year, produce not to exceed 100,000 gallons of edible molasses. The delivery or use of any edible molasses so produced shall be subject to all the provisions of this order.

(4) Subject to the prior written approval of the Administrator, any sugar producer may, in connection with the process of producing raw or refined sugar, manufacture edible molasses during any marketing year in such quantity as the Administrator may specify, *Provided, however*:

(i) That at each sugarcane or sugar beet processing plant where such edible molasses is produced, the yield of sugar per ton of total sugarcane or sugar beets processed during such marketing year equals or exceeds the yield of sugar under the commercially recoverable sugar formula determined by the Secretary of Agriculture in accordance with the provisions of section 302 (a) of the Sugar Act of 1937, as amended (7 U. S. C. 1100 et seq.), to be applicable in the area in which such plant is located, or

(ii) That at each cane sugar refinery where such edible molasses is produced, the edible molasses produced contains not over 76 percent total sugars on the dry basis.

Such quantities of edible molasses as are produced in accordance with the specific authorization of the Administrator under paragraph (b) (4) and in accordance with the requirements of paragraphs (b) (4) (i) or (b) (4) (ii) shall not be subject to any use or delivery restriction contained in this order other than the restrictions of paragraph (f). All edible molasses manufactured by a sugar producer in excess of the quantity authorized by the Administrator under this paragraph (b) (4) shall be subject to all the use and delivery restrictions of this order.

(c) *Distribution by distributors*. (1) No person shall accept delivery of edible molasses as a distributor unless he functioned as a distributor in the base period and has secured prior written approval from the Administrator to function as a distributor.

(2) Except as otherwise specifically authorized by the Administrator, no distributor shall receive edible molasses from another distributor.

(d) *Delivery and use by blenders and food manufacturers*. Except as otherwise specifically authorized by the Administrator:

(1) No blender or food manufacturer shall, during any marketing year, purchase, receive, or use edible molasses in excess of his yearly quota, nor use edible molasses during any calendar quarter in excess of his quarterly quota.

(2) No blender or food manufacturer shall, directly or indirectly, transfer any quota established under the provisions of this order.

(3) No blender or food manufacturer shall receive or use edible molasses unless he has filed a report showing his yearly and quarterly quotas and has received approval of such quotas from the Administrator.

(4) No blender shall, during any marketing year, package unprocessed edible

molasses in containers of more than one gallon in excess of 110 percent of the quantity of unprocessed edible molasses so packaged during the base period.

(e) *Unrestricted delivery and use.* Edible molasses which has been packaged or processed by a blender in compliance with all applicable provisions of this order, and such quantities of edible molasses as are manufactured by a sugar producer in accordance with the specific authorization of the Administrator under paragraph (b) (4) and in accordance with the requirements of paragraphs (b) (4) (i) or (b) (4) (ii), may be delivered and used for human food purposes without restriction except where such delivery or use would be in violation of paragraph (f) of this order.

(f) *Use in alcoholic or malt beverages.* Except as otherwise specifically authorized by the Administrator, no person shall receive, use, or knowingly deliver edible molasses for the manufacture of beverage spirits or malt beverages.

(g) *Certificates.* (1) No producer shall deliver edible molasses to a distributor, and no distributor shall accept delivery of edible molasses unless, prior to such acceptance, the receiver executes and furnishes to his supplier a certificate in duplicate in the following form:

The undersigned hereby certifies to the United States Department of Agriculture and to _____ that
(name of producer)
he is familiar with the terms of War Food Order No. 51; that he has secured from the Administrator written approval to function as a distributor of edible molasses; that this certificate is furnished in order to enable the undersigned to acquire _____ gallons of
(specify type, i. e., refiners' syrup, blackstrap, etc.)

for resale to blenders and food manufacturers; and that the receipt of such edible molasses will not be in violation of any provision of War Food Order No. 51.

Distributor
By _____
Duly authorized official
(Date)

(2) No producer or distributor shall deliver edible molasses to a blender or food manufacturer, and no blender or food manufacturer shall accept delivery of edible molasses unless, prior to such acceptance, the receiver executes and furnishes to his supplier a certificate in duplicate in the following form:

The undersigned hereby certifies to the United States Department of Agriculture and to _____ that
(name of producer or distributor)
he is familiar with the terms of War Food Order No. 51; that he is a _____
(state whether
_____, as defined
blender or food manufacturer)
therein; that he has an established yearly quota or specific authorization expiring _____
in the amount of _____
(date of expiration)
gallons; and that the receipt and use by the undersigned of _____ gallons of _____
(specify type,
i. e., refiners syrup, blackstrap, etc.)

by this certificate will not be in violation of any provisions of War Food Order No. 51.

(Name of blender or food manufacturer)
By _____
(Duly authorized official)

(Date)

(3) All statements contained in certificates executed under this order shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reason to believe it to be false.

(h) *Transfers between branches or departments.* The transfer of edible molasses between units, departments, branches, plants or companies, owned, controlled, or directed by the same person but engaged in separate activities as producers, distributors, blenders, or food manufacturers shall constitute delivery and acceptance of delivery within the meaning of this order.

(i) *Records and reports.* (1) Every producer or distributor shall, on or before the 15th day of each calendar month, forward to the Administrator one original of each certificate executed under paragraph (g) hereof and received by such producer or distributor during the preceding month.

(2) Every producer, distributor, blender, food manufacturer, or importer of edible molasses shall, within 15 days after the end of each calendar quarter beginning with the last calendar quarter of 1946, properly execute and mail to the Administrator a copy of Form FDO 51-1.

(3) The Administrator shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(4) Every person subject to this order shall, for at least two years, or for such period of time as the Administrator may designate, maintain an accurate record of his transactions in edible molasses.

(j) *Existing contracts.* The provisions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(k) *Audits and inspections.* The Administrator shall be entitled to make such audits or inspections of the books, records, and other writings, premises, or stocks of sugar or molasses, of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(l) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall

set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Administrator. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator obtain a review of such action by the Administrator. After said review, the Administrator may take such action as he deems appropriate, which action shall be final.

(m) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using sugar or molasses. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(n) *Delegation of authority.* The administration of this order and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this order, are hereby delegated to the Administrator. The Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(o) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided, be addressed to the Order Administrator, War Food Order No. 51, Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(p) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(q) *Effective date.* This amendment shall become effective at 12:01 a. m., e. s. t., October 1, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 51, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E. O. 9280, 7 F. R. 10179; E. O. 9577, 10 F. R. 8087)

Issued this 16th day of October 1946.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

United States Department of Agriculture
Summary to WFO 51, Amdt. 4

The U. S. Department of Agriculture announced today that War Food Order 51 has been amended to aid in controlling the diversion of sugarcane from the

production of rationed sugars to the production of unrationed syrups and molasses. This amendment plus a recent change in WFO 7 should result in the recovery of approximately 100 000 tons more sugar from the 1946 crop than would be produced without these controls.

The four major provisions of the Order, as amended, follows: (1) It continues the delivery and use of edible syrups and molasses at the base period level which has been in effect since the begin-

ning of 1943; (2) it limits the production of edible syrups and molasses in any marketing year to the annual average of the manufacturer's production for any three marketing years during the period October 1, 1941-September 30, 1946—or 100,000 gallons, whichever is greater; (3) with prior written approval by the U. S. Department of Agriculture, it permits production and "quota-free" distribution of edible molasses to all types of food users, except beverage spirits and malt beverage manufacturers, provided that

the sugar refinery, beet sugar processing plant, or raw sugar mill where edible syrup and molasses are produced, also produces a yield of sugar equal to or exceeding the yield which is commercially recoverable under the Department of Agriculture's sugar formula applicable to the area in which the plant is located; and (4) it provides that molasses distributors shall register with the Department and that distributors shall furnish their suppliers with compliance certificates covering purchases.

F7337
Cup 4

WFO 51

AMDT. 5

DEC. 13, 1946

DEPARTMENT OF AGRICULTURE

[WFO 51, Amdt. 5]

PART 1490—MISCELLANEOUS FOOD
PRODUCTS

MANUFACTURE, DELIVERY, AND USE OF EDIBLE
MOLASSES

War Food Order No. 51, as amended (11 F. R. 12282), is further amended by deleting paragraph (c) (1) and inserting in lieu thereof the following:

(c) *Distribution by distributors.* (1) No person shall accept delivery of edible molasses as a distributor without first having reported in writing, to the Administrator, that he is a distributor as defined in paragraph (a) (7).

This amendment shall become effective at 12:01 a. m., e. s. t., December 16, 1946. With respect to violations, rights accrued, liabilities incurred, or appeals

taken, prior to said date, under War Food Order No. 51, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E. O. 9280, December 5, 1942, 7 F. R. 10179; E. O. 9577, June 29, 1945, 10 F. R. 8087)

Issued this 13th day of December 1946.

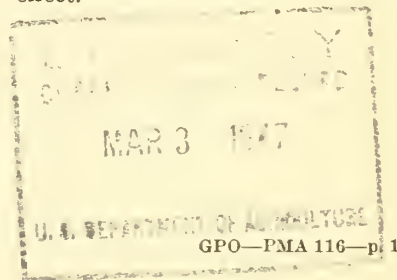
[SEAL] CLINTON P. ANDERSON,
Secretary.

*United States Department of Agriculture
Summary to WFO 51, Amdt. 5*

The U. S. Department of Agriculture announced today that effective December 16, 1946, War Food Order 51 (Edible

Molasses) is amended to permit distribution of unprocessed edible molasses by new distributors. The amendment requires that all persons who accept deliveries of edible molasses as distributors must first report in writing to the Production and Marketing Administrator that they are distributors under the definition of "distributors" as stated in War Food Order 51. This definition reads, "'Distributor' means any person who is engaged in the business of buying and selling unblended or unprocessed edible molasses." Prior to this amendment distribution was restricted to persons engaged in this business during the year ended June 30, 1941.

All other provisions of the Order remain unchanged and in full force and effect.



733 F
4

DEPARTMENT OF AGRICULTURE

WFO 51

TERMINATION

APR. 18, 1947

[WFO 51, Termination]

PART 1490—MISCELLANEOUS FOOD
PRODUCTS

TERMINATION OF CONTROL OF EDIBLE
MOLASSES

War Food Order No. 51, as amended
(11 F. R. 12282, 14509), is hereby termi-
nated.

This termination shall become effec-
tive at 12:01 a. m., e. s. t., April 21,
1947. With respect to violations, rights
accrued, liabilities incurred, or appeals

taken, prior to said date, under War
Food Order No. 51, as amended, all pro-
visions of said order shall be deemed
to remain in full force for the purpose of
sustaining any proper suit, action, or
other proceeding with respect to any
such violation, right, liability, or appeal.

(E. O. 9288, Dec. 5, 1942, 7 F. R. 10179;
E. O. 9577, June 29, 1945, 10 F. R. 3067)

Issued this 18th day of April 1947.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.

